

505 KAR 2:020. Administration, organization and management.

RELATES TO: KRS 15A.210-15A.240

STATUTORY AUTHORITY: KRS 15A.210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.210 mandates that the Department of Juvenile Justice issue administrative regulations governing juvenile detention centers and juvenile holding facilities.

Section 1. (1) The agency operating a detention facility shall be a legal entity or a part of a legal entity.

(2) The governing authority of the detention facility shall hold meetings at least annually with the facility administrator in order to facilitate communication, establish policy, explore problems, ensure conformity to legal and fiscal requirements, and implement programs.

(3) There shall be a written statement that describes the philosophy, goals or purposes of the facility, which shall be reviewed at least annually and updated if necessary.

(4) If services for adult and juvenile offenders are provided for by the same agency, statements of philosophy, policy, program and procedures shall distinguish between criminal codes and the statutes which establish and give direction to programs for juveniles; there shall be a separate service delivery system for juveniles.

(5) Abused, dependent or neglected youths shall not be held in the facility.

(6) Written agency policy shall prohibit the confinement of any offender in the facility unless the facility complies with standards or rules promulgated by the Administrative Office of the Courts or a lawful court order.

(7) Service personnel other than facility staff shall perform work in the facility only under direct and continuous supervision of facility staff in those areas permitting contact with juveniles.

(8) There shall be a written description of the facility that specifies its mission within the context of the system of which it is a part. This description shall be reviewed at least annually and updated if necessary.

(9) The facility shall adopt and enforce written policies and procedures which:

(a) Provide for regular meetings and case conferences between the staff of the Department of Juvenile Justice and social service agencies, the court, the local law enforcement agency and the detention facility staff to develop and maintain sound interagency policies and procedures;

(b) Provide for a communications system within the facility that requires, at a minimum, that the facility administrator meet at least monthly with all department heads and that all department heads meet monthly with their key staff members;

(c) Specify that the facility administrator participates in the formulation of goals for the facility, establishes policies and priorities related to them and translates the goals into measurable objectives for accomplishment by the staff;

(d) Provide that legal assistance shall be available to the facility administrator;

(e) Provide for a daily population report on every juvenile in detention, including the day admitted, accumulated days of stay, and county of origin and offense for which juvenile is charged;

(f) Provide a mechanism for communication with executive, legislative and judicial bodies at all governmental levels;

(g) Provide for participation of employees in the formulation of policies, procedures and programs;

- (h) Permits the participation of other community agencies in policy development, coordinated planning and interagency consultation;
- (i) Provide for collaboration with colleges and universities where available in programs of mutual concern;
- (j) Provide for a public information program that is reviewed at least annually and updated if necessary;
- (k) Grant representatives of the media access to the facility, consistent with the preservation of juveniles' privacy and the maintenance of order and security in the facility;
- (l) Provide that the facility administrator report at least quarterly to the governing authority major problems and plans for resolving them;
- (m) Govern facility compliance with statutes and administrative regulations relating to campaigning, lobbying and political practices; and
- (n) Provide that the facility administrator cooperates with the interstate compact administrator in the return of juveniles charged with juvenile offenses to the requesting state, pursuant to the provisions of the interstate compact on juveniles.
- (10) The facility administrator or parent agency shall participate in federal, state and regional planning efforts with both juvenile justice and nonjuvenile justice agencies.
- (11) The facility shall have a policy manual that specifically describes its purpose, program and services offered, which is reviewed at least annually and updated if necessary.
- (12) There shall be an operations manual that delineates written policies and procedures for operating and maintaining the facility; the manual shall be explained and made available to all employees at the time of their employment.
- (13) There shall be an organizational chart for the facility staff that accurately reflects the structure of authority, responsibility and accountability within the facility.
- (14) The facility and its programs shall be managed by a single administrative officer to whom all employees or units of management shall be responsible.
- (15) When employees of other public or private agencies provide a service to the facility, written policy and procedure shall be developed and reviewed, at least annually, to describe their roles and functions as they relate to the authority and responsibility of the facility administrator.
- (16) The facility administrator shall review space requirements, at least annually, and record requests for corrective action in writing.
- (17) The facility administration shall furnish written information to the parent agency at least annually, which is used to report on the system's objectives, availability of services and programs, juvenile population, budget, major developments, problems, plans and additional information as the parent agency may require.
- (18) The facility shall make available to all employees a written code of ethics that prohibits employees from using their official position to secure privileges for themselves or others and from engaging in activities that constitute a conflict of interest.
- (19) The facility shall meet all applicable licensing requirements of the jurisdiction in which it is located.
- (20) There may exist a community advisory committee, representative of the community, which serves as a link between the program and the community.
- (21) All monies collected at the facility shall be secured daily in an officially designated and secure place.
- (22) The facility shall have written policy and procedure approved by the governing authority that includes, at a minimum:
 - (a) Internal controls;
 - (b) Petty cash procedures;

- (c) Bonding for all appropriate staff;
- (d) Signature control on checks;
- (e) Handling of juvenile funds;
- (f) Employee expense reimbursement; and
- (g) Issuance or use of vouchers.

(23) If there is a commissary or canteen, strict controls shall be maintained over its operation and regular accounting procedures shall be followed. All profits from the commissary or canteen shall be used for the benefit of the residents.

(24) Juveniles' personal funds held by the facility shall be controlled by accepted accounting procedures.

Section 2. (1) The facility administrator shall have access to and use an organized system of information retrieval and review that is part of an overall research and decision-making capacity.

(2) The facility staff shall establish or participate in the establishment of policies and procedures developed for management information purposes. These policies are reviewed at least annually.

(3) There shall be specific, written definitions of criteria for evaluating overall facility performance.

(4) Facility staff shall maintain a daily report of juvenile population movement.

(5) The administrator shall participate in the review of policies and practices regarding the collection and retention of information pertaining to the juveniles assigned to the facility, at least annually.

(6) The facility or parent agency staff collects and aggregates data relative to its program.

(7) Programs shall be periodically analyzed and evaluated to determine their contribution to the mission of the facility.

(8) The administrator shall review and approve all facility research projects in conformity with parent agency policy before implementation.

(9) Written policy and procedure shall govern voluntary juvenile participation in nonmedical, nonpharmaceutical and noncosmetic research programs.

Section 3. All requirements in this section shall apply only to facilities operated by private corporations or to facilities operated by two (2) or more counties.

(1) The facility administrator shall participate in budget preparation and reviews conducted by the parent agency.

(2) The fiscal system shall account for all income and expenditures on an ongoing basis.

(3) The facility shall adopt written policies and procedures which:

(a) Provide for a financial audit, independent of the facility, which is conducted annually;

(b) Specify that the methods used for collecting, safeguarding and disbursing monies comply with accepted accounting procedures;

(c) Require reports of all monies collected and disbursed to the governing authority and other designated authorities;

(d) Provide for facility insurance coverage that includes at a minimum: worker's compensation, civil liability, liability for official vehicles, and public employee blanket bond;

(e) Govern inventory control of property, stores and other assets;

(f) Govern the requisition and purchase of supplies and equipment;

(g) Require the systematic review of equipment needs and the replacement of equipment if necessary; and

(h) Regulate position control, personnel records and the payroll function.

(4) The facility shall operate under a constitution or articles of incorporation that meets all of the legal requirements of the governmental jurisdiction in which the facility is located.

(5) The facility or its parent agency shall have a local, regional, or state governing authority.

(6) The facility or its parent agency shall have identified, documented and publicized its tax status with the Internal Revenue Service and the Kentucky Revenue Cabinet.

(7) The facility shall have bylaws, approved by the governing authority, which are filed with the appropriate local, state and federal body.

(8) At a minimum, the facility bylaws include for the governing authority:

(a) Membership (types, qualifications, community representation, rights, duties);

(b) Size of the governing body;

(c) Method of selection;

(d) Terms of office;

(e) Duties and responsibilities of officers;

(f) Times authority will meet;

(g) Committees;

(h) Quorums;

(i) Parliamentary procedures;

(j) Recording of minutes;

(k) Method of amending the bylaws;

(l) Conflict of interest provisions; and

(m) Specification of the relationship of the chief executive to the governing body.

(9) When the facility administration is the governing authority, meetings shall be held as prescribed in the bylaws, a permanent record is kept of all such meetings. (26 Ky.R. 1270; 1542; eff. 2-14-2000; Crt eff. 3-13-2019.)